

Application No. 10/678,751
Reply to Office Action Dated May 27, 2004
Amendment Dated August 25, 2004

REMARKS

Claims 25-50 were pending in the present application. By this Amendment, Applicants have canceled claims 25-50 without prejudice to the right to present the subject matter of these claims in a further continuation or divisional application. Applicants now have presented new claims 51-113 to address the Examiner's concerns set forth in the May 27, 2004 Office Action. Applicants also submit a corrected Figure 2 to address the objections raised by the Draftsperson in the Form PTO-948 that accompanied the Action. Neither the new claims nor the corrected Figure 2 introduce any new matter and thus, their entry is requested. Upon entry of the present Amendment, claims 51-113 will be pending and under examination.

The May 27, 2004 Office Action

Objections to the Drawings

The drawings were objected to as failing to comply with 37 CFR 1.84 for the reasons noted on the Notice of Draftsperson's Patent Drawing Review, Form PTO-948 that accompanied the Office Action.

In response, Applicants submit herewith a replacement Figure 2 in which line quality and legibility of numbers and reference characters has been improved. Applicants believe that the replacement Figure fully overcomes the Draftsperson's objections and thus, withdrawal of the drawing objection is requested.

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Rejections under 35 U.S.C. §112, second paragraph and 35 U.S.C. §101

The Examiner rejected claims 25-50 under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Examiner indicated that each of the independent claims recites broad language followed first by the term “such as” then by language that narrows the preceding broader limitation. The Examiner asserted that this format can render a claim indefinite by raising a question as to whether the feature introduced by the “such as” terminology is merely exemplary of the broader subject matter, or is in fact a limitation of the claim.

The Examiner also rejected claims 32-34, 35, 36, 42, and 44-50 under both 35 U.S.C. §112, second paragraph, and 35 U.S.C. §101. The Examiner indicated that these claims recite “uses” for the claimed matrices, without setting forth positive method steps. The Examiner has therefore concluded that it is unclear what method or process Applicants are intending to encompass in the claims. Moreover, the Examiner has indicated that the claimed recitation of a “use,” without setting forth any steps involved in the process results in a claim which is not a proper process claim under 35 U.S.C. 101.

In response, Applicants have canceled the rejected claims and now submit new claims 51-113 which Applicants believe fully overcome the rejections under both 35 U.S.C. §112 and 35 U.S.C. §101. Specifically, Applicants have removed the “such as” terminology noted by the Examiner and have introduced the subject matter that followed that term into dependent claims. Furthermore, Applicants have re-drafted the “use” claims to recite positive method steps.

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In view of the above remarks and amendments, Applicants believe that all of the Examiner's rejections and objections set forth in the May 27, 2004 Office Action have been fully overcome and that the present application is in condition for allowance. The Examiner is invited to telephone the undersigned if it is deemed to expedite allowance of the application.

Respectfully submitted,



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Attachment

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